

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LOUIE REVETTE

PLAINTIFF

V.

CIVIL ACTION NO. 3:24-CV-580-KHJ-MTP

DR. RENEE BOONE-WELLPATH

DEFENDANT

ORDER OF TRANSFER

This case is before the Court sua sponte. For the reasons below, the Court transfers this case to the United States District Court for the Eastern District of Texas, Beaumont Division, under 28 U.S.C. § 1406(a).

Pro se Plaintiff Louie Revette is incarcerated by the Federal Bureau of Prisons. *See* Compl. [1] at 1. He filed this case on September 24, 2024, raising claims arising from his prior incarceration at the United States Penitentiary in Beaumont, Texas (“USP-Beaumont”). *See id.* at 5–8.

The [1] Complaint invokes both federal-question and diversity jurisdiction. *Id.* at 3–4. Revette asserts claims under the Federal Tort Claims Act, *Bivens*, the Administrative Procedure Act, and Texas law. *See id.*; [7-1] at 1. He alleges that he is a Mississippi resident and that the individual Defendant, Dr. Renee Boone-Wellpath, is a Texas resident. [1] at 3–4. And his claims concern an alleged lack of dental care while incarcerated at USP-Beaumont. *See id.* at 5–8.

Since this case involves a claim under the Federal Tort Claims Act, venue is proper “where the plaintiff resides or wherein the act or omission complained of

occurred.” 28 U.S.C § 1402(b). “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” *Id.* § 1406(a). The Court “may transfer a case upon a motion or sua sponte.” *Moler v. Wells*, 18 F.4th 162, 167 n.8 (5th Cir. 2021) (cleaned up).

Revette alleges that the Southern District of Mississippi, Northern Division, is the proper venue based on his residency. *See, e.g.*, [7-1] at 4–5. To be sure, he is currently housed at the Federal Correctional Institution in Yazoo City, Mississippi, which is located in the Northern Division of this Court. *See* [1] at 1; *Divisional County Listings*, U.S. Dist. Ct. for S.D. of Miss., www.mssd.uscourts.gov/divisional-county-listings (last visited Dec. 11, 2024) (Yazoo County). But for venue purposes, “one does not change his residence to the prison by virtue of being incarcerated there.” *Moler*, 18 F.4th at 166 (cleaned up). Rather, “an incarcerated person resides in the district where he was legally domiciled before his incarceration.” *Id.*

Revette does not plead his exact residential address before his incarceration. But he does allege that his “local dentist” was in Collins, Mississippi, [1] at 5, which is in the Eastern Division of this Court. *See Divisional County Listings, supra* (Covington County). The Court also notes that Revette was prosecuted and convicted out of the Eastern Division of this Court. *See, e.g.*, Plea Suppl. at 3, *United States v. Revette*, No. 2:19-CR-18 (S.D. Miss. Apr. 12, 2019), ECF No. 13

(stating that Revette resided in Covington County). So venue does not lie in the Northern Division of this district based on Revette's residency.

Additionally, no alleged events occurred in the Northern Division of this Court. *See* [1]; [7-1]. The complained-of acts or omissions allegedly occurred at USP-Beaumont (*see id.*), which is in the Eastern District of Texas, Beaumont Division. Therefore, the proper venue for this case lies both in (1) the Southern District of Mississippi, Eastern Division; and (2) the Eastern District of Texas, Beaumont Division.

After due consideration, the Court finds that it is in the interest of justice to transfer this case to the Eastern District of Texas, Beaumont Division. *See* 28 U.S.C. § 1406(a).

For the reasons stated, the Court TRANSFERS this case to the United States District Court for the Eastern District of Texas, Beaumont Division. The pleadings will be received according to the Eastern District of Texas' local rules. The Clerk of Court will mail a copy of this Order to Revette at his address of record.

SO ORDERED AND ADJUDGED, this 12th day of December, 2024.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE